

## ***DISTRICT III ADVISORY BOARD***

### **MINUTES**

Tuesday, December 5, 2000

7:00 p.m.

Colvin Mini City Hall, 2820 S. Roosevelt

#### **Members Present**

Bill Ward  
Phyllis Hall  
Matt Foley  
Judy Dillard  
Phil Bloomquist  
Gene Fuhr  
Lois Ann Newman  
Jim Gulick  
Jim Skelton

#### **Members Absent**

Brent Turnipseed  
John Kemp

#### **Staff**

Dana Brown, City Manager's Office  
Allen Bell, Finance  
Daniel Nguyen, Planning  
Alan Morrison, Planning  
Donna Goltry, Planning  
Off. Ed Brower, C.P./Patrol South  
Off. M. Roets, C.P./Patrol South

### **ORDER OF BUSINESS**

#### **Call to Order**

**Vice-Mayor Lambke** called the meeting to order at 7:05 p.m.

#### **Approval of Minutes**

**Vice-Mayor Lambke** asked if there were any changes to the minutes from the October 3, 2000 DAB meeting. **Ward** stated that a correction about this issue was to be noted. In the last meeting the DAB decided that this issue was to be sent to the County Commission. **Dillard (Bloomquist)** made the motion that this issue be presented to the County Commission. (9-0)

**Action: Requests that City Council consider issue with County Commission.**

#### **Approval of Agenda**

**Vice-Mayor Lambke** informed the board of a change to the agenda, adding Allen Bell, Economic Developer Director, Finance Department, as a speaker for the Old Town Cinema Project. This issue was presented under *Staff Presentations* prior to the presentation on Kansas Department of Transportation (KDOT) issue.

#### **Public Agenda**

- 1. Scheduled items – None were submitted**
- 2. Off-agenda items – None were submitted**

## Staff Presentations

### **3a. Old Town Cinema Project**

**Allen Bell, Economic Development Director**, presented a PowerPoint presentation on the development of the Old Town Cinema Project. The proposed project includes a theatre with a shopping plaza and a two-level parking garage. The project also includes commercial offices on the upper level. The theatre would be sited between 2<sup>nd</sup> and 3<sup>rd</sup> Streets. The target date for opening the theatre would be March of 2002.

Proposed funding for the project is planned as follows:

	<u>Public</u>	<u>Private</u>
Land	\$ 1.2 million	\$ 0.9 million
Parking	\$ 5.1 million	\$ 7 million
Plaza and Street	<u>\$ 3.0 million</u>	<u>\$ 5.4 million</u>
	\$ 9.3 million	\$13.3 million

#### Total of public improvements \$ 9.3 million

Tax Increment Finance (TIF) Fund / Parking fees	\$ 3.3 million
Other funding:	
Core area CIP Land Acquisition	\$ 2.0 million
Core area CIP Parking Structure	\$ 1.0 million
Core area CIP Program Income	\$ 1.5 million
Local Sales Tax (LST) funding – roadways	<u>\$ 1.5 million</u>
	\$ 6 million

Board Members then asked questions regarding specific projects:

- **Hall** was concerned about the feasibility of building a theatre when there are theatres closing all over Wichita. **Bell** responded that technology drives the theatre industry and that the antiquated theatres are the ones that are closing down, not the new theatres with the latest technology.
- **Dillard** strongly agreed with **Hall** on the trend of theatres closing in Wichita. She wanted to know if the city is wasting their money on the theatre. **Bell** responded that a consultant advised that this theatre would be a good asset to Wichita because it would be the latest technology and would cater only to adult clientele, not to teenagers or children. **Dillard** stated that the news showed a closure trend for even the new theatres due to over-building. She asked again if the City was making a wise decision. **Bell** responded that there are several chains that did overbuild and they went bankrupt. Wichita currently has only two large-scale theatres – the Warren and Northrock 14.
- **Bloomquist** asked if the new group will pay for the improvements or if the city would. **Bell** responded that the city would be responsible. **Bloomquist** was concerned that the city might be stuck with an unwanted building if the theatre did not succeed. **Bloomquist** was also concerned about possible contamination. **Bell** explained that there has been a program in place for many years that allows developers to proceed with a Certificate of Release for liability for ground water contamination. In addition, Bell noted that clean up of the contamination in the downtown area is underway.

### **3. Kansas Department of Transportation (KDOT) Enhancement Program**

**Daniel Nguyen, Planning Department**, presented the Rails to Trails Project. He informed the board that the deadline for the approval of the project is December 15, 2000. This project would serve three purposes: 1) Serve as a historical point; 2) Provide scenic and environmentally friendly area that would benefit bicyclists and pedestrians; and, 3) connect existing bike paths in the Wichita area. The projects presented included I-135 to K-96; N. Riverside; and, the connection from I-135 to Gypsum Creek Path. The projects have been targeted because Planning consider they are most likely to receive approval for funding since the Kansas Department of Transportation (KDOT) prefers stand-alone projects.

Board Members then asked questions regarding specific projects:

- **Dillard** asked when the City planned to build the Garvey bike path to Washington. **Nguyen** responded that assuming federal funding is available, the city's first goal is to connect all existing paths and second goal is to connect with other communities.
- **Foley** said that part of this plan uses a pedestrian bridge and was concerned about safety on the bridge. **Nguyen** stated that Planning has already identified these concerns and will be reconstructing the bridge to American Disability Act (ADA) compliance.
- **Bloomquist** wanted to know if the project in District III would be the first one to be completed including the assurance from Kansas Department of Transportation (KDOT) that it would be the top priority. **Nguyen** stated that they do not prioritize.

### **4. Alternative Use and Preservation and Railroad Transportation Corridors.**

**Allen Morrison, Metropolitan Area Planning Department (MAPD)**, explained what happens to railroad tracks when abandoned. Wichita has been notified by the railroads that they intend to abandon certain tracks. He stated that several options are then considered: 1) local jurisdiction can choose to do nothing with the area; 2) if local jurisdiction doesn't want to assume easements, the railroads can extinguish title and retire the land to the previous title holder; 3) another railroad may assume maintenance; 4) easement can be preserved for trails and path maintained as a possible future railroad path. Morrison said that there are several advantages of a community having plentiful parks and recreation area.

Board Members then asked questions regarding specific projects:

- **Ward** asked if the projects would stay within the city limits. **Morrison** responded that this project pertains to only Wichita.
- **Fuhr** asked who was responsible for replacing the damaged streets when the railroad tracks were removed. **Morrison** told the board that the city is responsible for repairing the streets.

Members of the public then asked questions regarding specific projects:

- **Nick Howell, representative of the Prairie Travelers**. Prairie Travelers is a local group of bicyclists that promote the construction and use of linear parks. He also cited other communities in which the linear park projects increased property values.

## **Planning Agenda**

### **5. Request for zone change – Southeast corner of Pawnee and George Washington Boulevard**

**Donna Goltry, Planning Department**, presented information on case **ZON2000-0060**, informing the Board that the land is currently zoned Multi-Family Residential, and has been vacant for twenty (20) years. The developer is interested in re-zoning to Commercial. She told the board that there was light commercial development ten (10) years ago. Limited Commercial allows residential use. The agent asked to exclude residential use. Goltry, explained the distribution of the parcels as follows: Parcels One (1), Two (2), Three (3) and Seven (7 ) as limited commercial; parcels Four (4), Five (5), Six (6) and Eight (8) as general commercial. Surrounding land use currently includes the north area as mostly residential-low density; west area as mostly residential–medium density; south as industrial use; and east as commercial.

**Kim Edgington, Austin Miller**, represented the owner of the property as the agent. She stated that many of the tracks are early in the development process. She also stated that if the parcels were not zoned properly, developers would not view the properties as marketable. She noted that the land is divided into eight (8) parcels with Parcels four (4), five (5) and six (6) zoned for commercial use. A written contract with a self-storage company currently exists for Parcel Five (5); Parcels Four (4) and Six (6) have different clients interested in establishing car wash or car sales, but must have stringent landscaping. Parcel Three (3) will be a corporate provider, and must have landscaping. There is a right turn lane on Pawnee proposed for this property as well as a continuous left turn lane. Edgington stated that she had met with Paul Gunzelman, Public Works Traffic Engineer, and Gunzelman had reported that no improvement plans for Pawnee were currently in the *Capital Improvement Plan* (CIP). Edgington said that the developer is willing to help fund changes to Pawnee if and when some plans are in the *Capital Improvement Plan* (CIP). The deceleration lanes would add an additional 30 cents / foot to the current price of \$2.00 / foot. The developer is concerned that the increased cost to the project will make marketing difficult.

**Kerin Smith, President of the Meadowlark Association of Neighbors, Inc.**, submitted a written request to the City stating that the proposed changes are good but there are some concerns. **John Webb**, (no address given), stated that it seems like the applicant is asking for exclusions from City requirements and Neighborhood Association requests. **Bloomquist** agreed that the City can pay for it with higher business clientele. He inquired whether car washes are a concern. **Smith** stated that they would rather have car washes as opposed to car dealers. She commented that they couldn't exclude everything. **Skelton** wanted to know how many items are addressed in the planning requirements. **Goltry** answered that the car dealers are not excluded, but they do require screening. **Edgington** said that they prefer landscaping instead of mason block wall and that metal facades are not allowed.

**Hall** wanted to know what would be located at George Washington Boulevard. **Edgington** stated that that these lots don't allow car dealers and car washes, that landscaping is required and that the school district wants to put a bus facility on this lot with the offices on George Washington Boulevard. **Hall** wanted to know if the businesses would provide employment, and **Edgington** answered that that could be a possibility. **Vice Mayor Lambke** stated that it would not be appropriate to recommend approve with conditions as the land has been vacant for a number of years, generating no taxes. Vice-Mayor Lambke continued to express concerns that

the City approves projects on the basis of the development meeting certain conditions but frequently does not assure that the conditions are met until there is a complaint. **Bloomquist** suggested that the Neighborhood Association input be considered in these plans. He wants Vice Mayor Lambke to uphold the recommendations. **Goltry** said that staff recommendations comply with the Neighborhood Association preferences for General Commercial with exclusions on Parcels Four (4), Five (5), and Six (6).

DAB Members asked that Limited Industrial also include exclusions on conditional uses. **Skelton** wanted to add the Neighborhood Association's seven (7) items to any DAB recommendations. **Dillard** recommended approval according to the staff recommendations and the Neighborhood Association's letter dated November 7, 2000 with exclusions of vehicle sales and car washes. (9-0)

**Action: Board unanimously voted to recommend approval of the request, subject to staff comments and the Neighborhood Association requests.**

### **Unfinished Business**

#### **6. RV and Commercial Vehicle Parking**

**Vice Mayor Lambke** noted that he had previously sent a list of priorities associated with this issue to DAB Members. In the letter, he asked the Members to give their input on the issue and that the priorities would be discussed later. Vice Mayor Lambke asked the DAB whether the Council should consider revising the ordinance to restrict Commercial Vehicle and Recreational Vehicle parking. His view on the matter is to allow loading and unloading, but not parking on residential streets. **Bloomquist** stated that the ordinance must be rewritten so that enforcement options are clear for Police Officers and not left open for interpretation. **Paul Daniels, 839 S. Topeka** asked if the vehicles could park on the street without a tag. **Officer Roets** responded that a vehicle can park in a driveway, beside the house or in the backyard without a tag. If the vehicle does not have a tag and is parked in front of the house on the street, it is illegal. No vehicles can be parked on the street for over forty-eight (48) hours. **Skelton (Bloomquist)** made a motion to recommend that City Council revise the ordinance so that it's clear to enforce. (9-0).

**Action: City Council revises the ordinance so that enforcement is clarified.**

#### **7. Rental Licensing and Inspection**

**Vice Mayor Lambke** asked DAB Members if they think there are problems related to the issue that the Council needs to consider. **DAB** responded yes, that there are problems that need to be considered by the Council. **Hall (Dillard)** made the motion to have this issue brought forth to the Council. (9-0) **Members of the public** wanted to comment. They requested a speaker system due to the difficulty of being able to hear. **City Manager's Office** agreed to provide a speaker system for the meetings. **Vice Mayor Lambke** asked to have the discussion reopened. **Foley (Fuhr)** made the motion to open to discussion. (9-0)

**Gary Hefley, Rental Owners, Inc.,** (no address given), stated that when a tenant rents a property, the tenant is given information to protect the tenant. Most landlords don't want their property destroyed. He objected to being licensed since he runs a business like any other business and they do not have inspections. **Jim Jordan, 3315 Woodrow,** stated that it wouldn't

do any good to license landlords and conduct inspections on rental properties. It would only increase the tenants' costs. **Frank Shofler, President of Rental Properties, Inc. and Association of Landlords of Kansas**, stated that licensing and inspecting rental properties would not solve the problem of bad landlords. He said that bad landlords should be taken to court a lot sooner. Wichita is over fifty (50) percent rentals, licensed landlords will produce revenue stream when the economy declines. **Pat Daniels, 835 S. Topeka**, stated that the City is not handling this situation the right way. He said that there is good structure, but not enough staff to address the issue of rental licensing and inspection. He suggested two (2) changes are needed: 1) increasing staff; 2) giving the inspectors more power. **Vice Mayor Lambke** would welcome more pressure on other Council Members for addressing the issue. **Blomquist (Fuhr)** made a motion to accept written comments and motions handed in by the DAB to Vice Mayor Lambke. (9-0)

**Recommended action: Vice Mayor Lambke present the written comments to the City Council.**

### **New Business**

None scheduled.

### **Board Agenda**

Being no further business, **Vice Mayor Lambke** adjourned the meeting at 10:15 p.m.

**Submitted by,**

**Fátima Crump  
Neighborhood Assistant**

**Guests**

Kim Edgington, Austin-Miller Engineering  
Howard and Betty McCoy, 2356 S. Terrace  
Paul K. Miller, 3924 E. Kinkaid  
Lavona Moan, 4247 Menlo  
Terry Sutherland, 2330 S. Pershing  
Mikie Simpson, 2229 S. Belmont  
Thomas and Barbara Adkins, 8940 Suncrest  
Frank Shofler, 2050 S. Broadway  
LeRoy and Connie Pearl, 3309 E. Mt. Vernon  
Dewey Smith, 2244 S. Pershing  
Jim and Kerin Smith, 2240 S. Crestway  
Melvin M. Bender, 2164 S. Crestway  
Glen Rolf, 2313 George Washington Blvd.  
Ed Fielder, 2309 George Washington Blvd.  
Pat Daniels, 839 S. Topeka  
Joe and Wanda Gucene, 2337 S. Crestway  
Bill and Helen Frazier, 2355 S. Crestway  
Robert L. Dove, 4021 Whitney Ln.  
Scott Coon, 1933 Siefkin  
Gary Hefley,  
Holly Nelson, 2011 S. Terrace  
Jim Jordan, 3315 Woodrow